

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GLOBAL DIVING & SALVAGE, INC.,

Plaintiff,

v.

F/V PREDATOR, INC.,

Defendant.

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F/V PREDATOR, INC.,

Third-Party Plaintiff,

v.

COASTAL MARINE FUND, FEDERAL  
INSURANCE COMPANY THROUGH  
CHUBB GROUP, and GREAT AMERICAN  
INSURANCE COMPANY OF NEW YORK,

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Third-Party Defendants.

Case No. C06-5066FDB

ORDER OF DISMISSAL

Federal Insurance Company (Federal) has responded to the Court's Order To Show Cause why its cross-claim against Great American Insurance Company (Great American) should not be dismissed and this cause of action closed. Great American has filed a reply, and the matter is ripe for

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<sup>1</sup> || the Court's consideration.

The parties have called to the Court's attention the fact that a new case has been filed in this Court by Fishing Vessel Predator against Federal Insurance Company and Great American Insurance Company of New York, Cause No. C08-5080RBL. In its response to the Show Cause Order, Federal moves again for leave to deposit the subject funds into the Court's Registry and then requests that F/V Predator's lawsuit, C08-5080RBL be consolidated with this case. Great American replies opposing both deposit of the funds that Federal holds and consolidation.

8 There is no dispute that the cross-claim between Federal and Great American is moot, Great  
9 American having spent all of its policy limits plus more since the time that Federal first asserted its  
10 cross-claim for contribution of insurance proceeds. Moreover, F/V Predator's lawsuit against  
11 Federal and Great American (C08-5080RBL) brings all three entities before the Court in one action.  
12 Accordingly, the Court can find no reason to keep this cause of action open or to consolidate it with  
13 the other.

14 NOW, THEREFORE, IT IS ORDERED:



21 DATED this 27<sup>th</sup> day of March, 2008.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE

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